

108TH CONGRESS
1ST SESSION

H. R. 964

To amend the Federal Power Act to provide the Federal Energy Regulatory Commission with authority to order certain refunds of electric rates, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2003

Mr. OSE (for himself and Mr. HUNTER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Power Act to provide the Federal Energy Regulatory Commission with authority to order certain refunds of electric rates, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Electric Refund Fair-
5 ness Act of 2003”.

6 **SEC. 2. WHOLESALE RATE REFUND AUTHORITY.**

7 Section 206(b) of the Federal Power Act (16 U.S.C.
8 824e(b)) is amended as follows:

1 (1) In the second sentence, strike “shall not be
2 earlier than the date 60 days after the filing of such
3 complaint nor later than 5 months after the expira-
4 tion of such 60-day period” and insert “shall be the
5 date of the filing of such complaint”.

6 (2) In the third sentence, strike “shall not be
7 earlier than the date 60 days after the publication
8 by the Commission of notice of its intention to ini-
9 tiate such proceeding nor later than 5 months after
10 the expiration of such 60-day period” and insert
11 “shall be the date of publication by the Commission
12 of notice of its intention to initiate such proceeding”.

13 (3) Beginning in the seventh sentence, strike
14 “through a date fifteen months after such refund ef-
15 fective date” and all that follows down through
16 “prior to the conclusion of the proceeding” and in-
17 sert “through the conclusion of the proceeding in ex-
18 cess of those which would have been paid under the
19 just and reasonable rate, charge, classification, rule,
20 regulation, practice or contract which the Commis-
21 sion orders to be thereafter observed and in force”.

22 **SEC. 3. CRIMINAL AND CIVIL PENALTIES.**

23 (a) CRIMINAL PENALTIES.—(1) Section 316(a) of the
24 Federal Power Act (16 U.S.C. 825o(a)) is amended by

1 striking “\$5,000” and inserting “\$1,000,000”, and by
2 striking “two years” and inserting “five years”;

3 (2) Section 316(b) of the Federal Power Act (16
4 U.S.C. 825o(b)) is amended by striking “\$500” and in-
5 serting “\$25,000”.

6 (b) CIVIL PENALTIES.—Subsections (a) and (b) of
7 section 316A of the Federal Power Act (16 U.S.C. 825o–
8 1) are amended by striking “section 211, 212, 213, or
9 214” each place it appears and inserting “part II”.

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